

**IN THE COURT OF JAGMOHAN SINGH SANGHE,
JUDGE, SPECIAL COURT, AMRITSAR
(UID NO.PB0447).**

Case Details

Case Type	BA	
Filing No.	539/2020	Filing Date : 18.01.2020
Regn. No.	279/2020	Dated : 18.01.2020.
CNR No.	PBAS01-000777-2020	
Date of order	04.02.2020	

S T A T E

Versus

Jaswinder Singh @ Jhony son of Rajpal Singh, resident of Pati, 6
Ward Pandora Sultanwind Pind, Amritsar.

...Applicant

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|----------------|--------------------------|
| FIR No.        | 140 dated 03.09.2018.    |
| U/s.           | 21/22/61/85 of NDPS Act. |
| Police Station | Sultanwind, Amritsar.    |

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Ist application for bail under section 439 Cr.PC.

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Present : Shri NK Soni, Advocate counsel for the applicant.
Shri Shivraj Singh Sran, Additional PP for the State.

ORDER:

1. By this order, this Court intends to dispose off the
present bail application under section 439 Cr.PC filed by the

applicant/accused Jaswinder Singh @ Jhony.

2. Notice of the bail application was served upon the State through learned Additional PP alongwith copy of bail application, who received the same, appeared and contested the bail application on merits. The main challan file which is pending in this court has also been put up by the Ahlmad.

3. Learned counsel for the applicant has argued that earlier applicant/accused was on interim bail but after presentation of the challan, interim bail granted to him has been cancelled and he has been sent to judicial custody as the alleged salt falls within the commercial quantity. It is argued that the applicant/accused is in judicial custody since 03.09.2018. It is argued that out of the ten witnesses, only one witness has been examined by the prosecution till today and it will take long time to conclude the trial of the case. It is argued that no useful purpose would be going to serve by keeping the applicant/accused behind the bars for any longer period. A prayer for allowing the bail application has been made.

4. Learned Additional PP for the State has opposed the bail application on the ground that applicant/accused is facing trial for

having been found in conscious possession of commercial quantity of contraband, as such his bail is liable to be dismissed being hit by Section 37 of the NDPS Act.

5. I have heard the respective submissions of both the sides and carefully gone through the file.

6. Admittedly, the applicant alongwith his co-accused is facing trial, for their having been found in conscious possession of 910 intoxicant tablets containing salt 'Alprazolam'. As per report of the Chemical Examiner lying attached with the file, each tablet was weighing about 129 mg. On being multiplied with the number of tablets recovered from the possession of the accused, such recovery falls within the ambit of commercial quantity. As such, the applicant/accused is not entitled to discretionary relief of bail in this case.

7. Resultantly, bail application stands dismissed being without merits. Bail application file be attached with the trial file.

Pronounced in open Court
Dated: 04.02.2020

(Jagmohan Singh Sanghe)
Judge, Special Court,
Amritsar :UID no.PB0447

**Kuldeep Kumar*
Stenographer Grade-II.